IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6736 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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MAYANK DINESHCHANDRA SHRIVASTAVA

Versus

DHIRUBHAI AMBANI INSTITUTE OF INFORMATION AND

Appearance:

1. Special Civil Application No. 6736 of 2002

MR DJ BHATT for Petitioner No. 1

NANAVATI ASSOCIATES for Respondent No. 1

NOTICE SERVED BY DS for Respondent No. 2

CORAM : MR.JUSTICE B.J.SHETHNA

Date of decision: 16/08/2002

ORAL JUDGEMENT

1. Respondent no. 1 - Dhirubhai Ambani Institute of Information and Communication Technology, Ahmedabad admits the students purely on merits after taking competitive all India level entrance examination. The

petitioner appeared in the entrance test in Four Year Under-Graduate programme in I.T. 2001-2005 batch and selected for the same.

2. By the letter dated 10-5-2002 Deputy Registrar of the respondent no.1 institution - respondent no. 2 informed the petitioner that he is dismissed from Four-Year Under-Graduate Programme in Information and Communication Technology of the Institute because he failed to earn 18 credits in both, the first (Autumn) semester and the second (Winter) semester of the year 2001-2002 after considering the results of re-examination of all the first semester courses (Annexure-C).

3. The notice was issued in this petition and in response to the said notice both the respondents appeared through Sr. Advocate Mr. K.S. Nanavati with Mr. Keyur Gandhi and filed detailed reply and the affidavit of one Shri P.K. Chopara along with the relevant documents.

4. Learned counsel Mr. Bhatt appearing for the petitioner vehemently submitted that at the time of giving admission to the petitioner no such information regarding academic regulations was given to the petitioner. Rule 16.2 (page 62) provides that a student who fails to earn 18 credits in each of the first two semester will be required to leave the Institute at the end of the second semester i.e. in the month of May of the academic year and that he will not be entitled to register for courses offered in the summer term, is arbitrary. Therefore, it should be struck down by this Court by declaring it as unconstitutional.

4. Today, Mr. Chetarjee, Professor of the respondent no. 1 was present. He has explained to the Court the requirement of minimum 18 credits in each of first two semester. The Semester Grade Report is at running page 50 of this petition and I would like to reproduce that entire Semester Grade Report which is, as under :

DHIRUBHAI AMBANI
INSTITUTE OF INFORMATION AND COMMUNICATION TECHNOLOGY
NEAR INDRODA CIRCILE, GANDHINAGAR-382 009.

SEMESTER GRADE REPORT

STUDENT NAME STUDENT ID
MAYANK SHRIVASTAVA 200101182

PROGRAMME SEMESTER YEAR

FOUR YEAR UG PROGRAMME IN ICT WINTER 2001-02

COURSE TITLE COURSE CREDITS GRADE GRADE REMARKS.
NUMBER POINTS
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Linear Algebra
and Matrices LAM 4(3+1+0) F 0

Communication
Physic COP 5(3+1+2) F 0

Signals &
Systems SAS 4(3+1+0) FR 0

Principles of
Economics POE 4(3+1+0) D 4

Structured After
Programming Remarks
and C SPC 6(3+1+4) FR 0

Computer Systems After
Organisation COS 4(3+1+0) FR 0 Remarks

REMARKS

CURRENT SEMESTER PERFORMANCE CUMULATIVE PERFORMANCE
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CREDITS EARNED GRADE SPI CREDITS EARNED GRADE CPI
POINTS POINTS

30 4 0.13 52 12 0.23

COPY FOR STUDENT/GUARDIAN DEPUTY REGISTRAR
MR. DINSH CHANDRA SHRIVASTAVA
24/1 LYTTON ROAD NEAR CLOCK TOWER
DEHRADUN 248 001.

5. From the above, it clearly appears that 3 credits are given for the lectures, 1 credit is given for tutorial and only 1/2 credit is given for the practical, which is clear from item no. 25 because though two are written while totalling credits it is only considered for tutorial. If the student has done four semesters then he will get 2 credits. If he has done 8 semesters, then he will get 4 credits.

6. It was stated at the Bar that the students are given A, B, C. and D grades. "A" is the highest grade, "B" is second highest, "C" third highest and "D" grade is last category which is like passing marks obtained in the ordinary examinations for which four credits are given.

However, if any student fails to obtain less than "D" grade, then he is declared fail and he is given "F" grade for which he will get 0.0 grade. FR means failed repeated. Meaning thereby the student is failed but he can be allowed as repeated in the same subject. If he does not fair well, then he gets .0 credit either in "F" or "FR". On this consideration, it seems that for the current semester the student - petitioner earned 4 grade points. Therefore, he was given 30 credits and his (SPI) Semester Performance Index was miserable low at 0.13 and his cumulative performance of both the semester was 12 grade points having 52 credits and CPI 0.23.

7. Rule 16.2 clearly provides that if the student fails to earn 18 credits in each of the first two semesters then he will be required to leave the institute at the end of the second semester i.e., in the month of May of the academic year and he will not be entitled to register for courses offered in the summer term.

8. Admittedly, the petitioner - student has failed to earn 18 credits in each of two semesters. Therefore, he has to be dismissed from Four-Year Under-Graduate Programme of the Institute and accordingly the impugned order at Annexure-C dated 10-5-2002 was passed.

9. In that view of the matter, when this Court has come to a conclusion that Rule or Regulation 16.2 cannot be said to be arbitrary, then, no interference is called for with the impugned order at Annexure-C.

10. Before parting, I must deal with the second submission advanced by Mr. Bhatt learned advocate for the petitioner that as per Rule 16.2 itself appropriate warning should have been given to the petitioner at the end of first semester and not at the end of second semester. He submitted that if the warning was given at the end of first semester i.e. November 2000, then the petitioner would not have been made to suffer. It is true that under Rule 16.2 warning was required to be given to the student at the end of first semester which ended in this case on 29-11-2000. However, in my consider opinion, nothing much turns out on it, because in this case it has come on record that the petitioner was very well informed in the month of December, 2000 itself. When this fact has been stated by a reliable person of the respondent no. 1 Institute, then in absence of any rejoinder, I have no reason to discard this submission.

11. In view of the above discussion, I do not find

any substance or merit in this case. Accordingly, this petition fails and it is hereby dismissed, with no cost. Notice discharged.

(B.J. Shethna, J.)

/JVSatwara/